



GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – APGLI Department – Finance Department – Case under Prevention of Corruption Act, 1988 against Sri Rekyia Chowhan, Superintendent, Office of the Assistant Director, District Insurance Office, Khammam District – Trapped on 28.09.2010 – Sanction for Prosecution – Orders – Issued.

FINANCE (ADMN.II) DEPARTMENT

G.O.Ms.No. 53

Date: 06.04.2011

ORDER :

Where as Sri Rekyia Chowhan worked as Superintendent, Office of the Assistant Director, District Insurance Office, Khammam District from 07.04.2010 to 28.09.2010 and as such he is a Public Servant with in the meaning of Clause (C) of Section 2 of Prevention of Corruption Act 1988 (Central Act 49 of 1988).

2. And whereas, Sri Mohammad Fasiuddin S/o Shamsuddin (Late) Private Lab Technician, R/o H.No. 11-02-26, Sri Nagar Colony, Paloncha, Khammam District is living by doing a job as Private Lab Technician. His father Md. Shamsuddin had worked as Community Health Officer, Department of Medical & Health at Julurupad Mandal and retired on 31.12.2009 on his superannuation. He is having three sisters and two brothers and all they are got married. After retirement, his father filed an application before Assistant Director, District Insurance Office, Khammam requesting to pay his APGLI Policy amount. The Policy No. is 635864-A. Meanwhile on 22.05.2010 his father died of Heart attack. Thereafter his mother has been staying with him and they obtained a legal heir certificate in favor of his mother Fahimida Begum after the death of his father. One day he went to Government Insurance Office, Khammam along with his mother and informed the death of his father. In the month of August, he received a letter from the Office of APGLI, informing them to file an application on the name of his mother Smt Fahimida Begum to get the policy amount of APGLI pertaining to his father. Accordingly on 03.09.2010 Sri Md. Fasiuddin filed an application on the name of his mother duly signed by her, enclosing legal heir certificate and handed over the same in the concerned section in the Office of Assistant Director, District Insurance Office, Khammam and approached the Section Superintendent Sri Rekyia Chowhan and requested for granting insurance amount. Upon which the Superintendent Sri Rekyia Chowhan demanded Rs. 10,000/- as bribe for granting APGLI Policy amount, other wise he said that it would take one month. Sri Md. Fasiuddin informed that they are not having that much of amount and by saying he returned. Again Sri Md. Fasiuddin went to the Office of the APGLI Khammam on 20.09.2010 and approached Sri Rekyia Chowhan and enquired about their policy amount. Then Sri Rekyia Chowhan said that the amount would only be given after paying Rs. 10,000/- as bribe as he demanded earlier. While he was returning, as he was not having that much of amount, the Superintendent Sri Rekyia Chowhan advised him to come after a week. Again on the morning on 27.09.2010 he went to the Office of the APGLI, contacted the section Superintendent Sri Rekyia Chowhan and enquired about their bill. Immediately he replied that the work is completed and DD was also prepared, but the same would be handed over after paying Rs. 10,000/- as bribe as demanded by him earlier. When he requested the Superintendent Sri Rekyia Chowhan that he can not pay that much of amount, then Sri Rekyia Chowhan, Superintendent demanded to pay Rs. 6,000/-. As he was no other way, he returned by saying to the Superintendent, that he would come on the next day, along with Rs. 6,000/-. Then the Section Superintendent, Sri Rekyia Chowhan asked to hand over demanded amount in his office on the next day. Sri Md Fasiuddin went to the house and informed the same to his mother. Upon which she advised him to lodge a complaint with ACB. As Sri Md. Fasiuddin was unwilling to pay the demanded bribe of Rs. 6,000/- to Sri Rekyia Chowhan, he lodged a complaint against Sri Rekyia Chowhan with the Inspector, ACB, Warangal Range. Khammam District on 27.09.2010. On receipt of the said complaint the DSP, ACB, verified the antecedents of Sri Rekyia Chowhan, Superintendent and the genuiness of the complaint, registered the complaint as a case in a Crime No. 08/ACB-WKH/2010 U/s Prevention of Corruption Act 1988 on 28.09.2010 at 2.30 p.m and issued FIR and organized a trap against Sri Rekyia Chowhan Superintendent.

3. And whereas on the date of trap i.e. on 28.09.2010, the defacto complainant Sri Md. Fasiuddin after leaving trap party, proceeded to the Office of Sri Rekya Chowhan Superintendent and found that Sri Rekya Chowhan was in his seat, on seeing the defacto complainant Sri Md. Fasiuddin, Sri Rekya Chowhan after ascertaining that the defacto complainant Sri Md Fasiuddin had brought the demanded bribe amount, took the defacto complainant Sri Md Fasiuddin to the downstairs and stood in front of the office for sometimes and observed the surroundings for some times and took him upstairs. While climbing the stairs Sri Rekya Chowhan demanded and accepted a bribe of tainted currency notes of Rs. 6,000/- from the defacto complainant Sri Md Fasiuddin with his right hand and on reaching the first floor Sri Rekya Chowhan, Superintendent asked the defacto complainant Sri Md Fasiuddin to stay at the entrance and then Sri Rekya Chowhan returned immediately and brought Sri Md. Fasiuddin to down stairs and asked him to leave. Then Sri Md Fasiuddin left Sri Rekya Chowhan and immediately gave the pre-arranged signal to the waiting ACB party by wiping his face with hand kerchief indicating demand and acceptance of bribe amount by Sri Rekya Chowhan. In pursuance signal all the trap party members rushed to Sri Rekya Chowhan and took him into the office room. When phenolphthalein test was conducted on both hand fingers of Sri Rekya Chowhan the right hand fingers wash to the chemical test yield positive result, the tainted currency notes of Rs. 6,000/- were recovered at the instance of Sri Rekya Chowhan on his showing from the underneath of the old files in the record room & when verified the currency notes with the notes noted down in the pre – trap proceeding the same was found tallied on verification. When the contact portion of the old files which came into contact with the tainted amount was scrubbed with the help of cotton swab it yielded positive result. The DSP, ACB seized the tainted amount relevant documentary evidence and the Original Demand Draft bearing No. 996064 etc.

4. And whereas the above acts of the said Rekya Chowhan, Superintendent, Office of the Assistant Director, District Insurance Office, Khammam District constitute an offence punishable U/s 7 and sub-Section (2) of Section 13 read with clause (d) of Sub-Section (1) of Section 13 of Prevention of Corruption Act, 1988 (Central Act 49 of 1988).

5. And whereas the Government of Andhra Pradesh, being the competent authority to remove the said Sri Rekya Chowhan, Superintendent, Office of the Assistant Director, District Insurance Office, Khammam of Khammam District from the service after fully and carefully examining the relevant notes i.e. FIR, Pre-Trap and post-Trap proceedings placed before them in respect of the said allegation and having regard to the circumstances of the case considered that the said Rekya Chowhan, Superintendent, Office of the Assistant Director, District Insurance Office, Khammam should be prosecuted in a court of Law, for the above said offences.

6. Now therefore in the exercise of the powers conferred by Clause (b) Sub-Section (1) of Section 19 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) the Government of Andhra Pradesh hereby accord sanction for the prosecution of the said Sri Rekya Chowhan, Superintendent, Office of the Assistant Director, District Insurance Office, Khammam for the aforesaid offence punishable u/s 7 and Sub-Section (2) of Section 13 read with Clause (d) of Sub-Section (1) of Section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and for any other cognate offences punishable under the other provisions of Law and for taking cognizance of the aforesaid offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(L.V. SUBRAHMANYAM)
PRINCIPAL SECRETARY TO GOVERNMENT (FP)

To
The Director General,
Anti-Corruption Bureau,
Andhra Pradesh,
Hyderabad.